

REMARKS

This Response to Office Action is submitted in response to the Office Action of March 11, 2003. Claims 1, 22 and 23 have been amended. New Claims 28 to 30 have been added. No new matter has been added. A check in the amount of \$54.00 is submitted herewith to cover the cost of additional claims. Please charge deposit account number 02-1818 for any insufficiency of payment or credit any overpayment.

The Office Action rejected Claims 1 to 14 and 16 to 25 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,004,207 to Wilson, Jr. et al. ("Wilson"). The Office Action rejected Claims 15 and 26 to 27 under 35 U.S.C. §103(a) as being unpatentable over Wilson. Although Applicants do not agree that these claims are anticipated by or obvious in view of Wilson, certain of the claims as discussed below have been amended to overcome these rejections and new claims have been added which are patentably distinguished over Wilson as explained below.

Wilson discloses a gaming device including a single activator associated with a single group of award modifiers. When a winning combination occurs on the pay line, the normal payout is multiplied by the multiplier value of one of the award modifiers. (Wilson, col. 4, lines 11-16; col. 4, lines 32-38). Wilson provides three playing modes, 1 Coin, 2 Coin and MaxBet, that are related to a player's wager requiring 1, 2, and 3 credits respectively. (Wilson, col. 3, lines 62-65). The payout values vary according to the coin mode. (Wilson, col. 4, lines 47-55; Fig 5A). For instance, according to Wilson, "[t]he value of this prize is doubled when the machine is in the second mode." (Wilson, col. 4, lines 51-52; Figs. 5A-5C). In addition, different pre-selected multiplier payout values are chosen depending on the award modifier value. For instance, certain payout values correspond to multiplier values of 4 or more; whereas, other payout values correspond to less than 4. (Wilson, col. 4, lines 53-57). According to Wilson, certain values (i.e., the "X factor") only form part of the payout formula if the game is in the MaxBet mode. (Wilson, col. 4, lines 36-38).

In contrast, as discussed in the specification, one embodiment of the present invention provides an award, a plurality of award modifiers, a display device which displays the award modifiers and designates one of the award modifiers, a plurality of

reels, and a processor which modifies the award using the designated award modifier when the player obtains an activator on the reels. The award modifiers in the present invention are re-designated independent of the player's wager amount. Moreover, the payout values of award modifiers are not chosen from different values based on a particular award modifier value.

More specifically, amended Claim 1 is directed to a gaming device which includes a processor which modifies the award using the designated award modifier when the player obtains the activator on the reels and which randomly causes the processor to re-designate one of the award modifiers after the player obtains the activator. The gaming device of Claim 1 randomly re-designates an award modifier independent of any player's wager amount. Wilson does not disclose or suggest all of the elements of the gaming device of Claim 1. Wilson does not provide award multipliers that are randomly designated independent of any wager amount. Instead, the award modifiers in Wilson relate to the coin mode of the game. For instance, in Wilson, the "X factor" only multiplies a winning combination in the MaxBet mode which requires the most credits. (Wilson, col. 3, lines 52-56). Similarly, Wilson provides payout values that are chosen according to the coin mode and the award multiplier value received in a game. (Wilson, col. 4, lines 52-57). In contrast to Wilson, in amended Claim 1, the processor randomly re-designates independent of a player's wager amount an award modifier after the player obtains an activator. It is therefore respectfully submitted that Claim 1 and Claims 2-21 that depend from Claim 1 are each patentably distinguished over Wilson and in condition for allowance.

Amended Claim 22 is directed to a gaming device including at least one award, a plurality of award modifiers ranging from low to high values wherein each award modifier is adapted to change a player's award, a display device which designates one of the award modifiers, a processor which controls the game and the display device and an activator. In the gaming device of Claim 22, the processor changes the player's award using the designated award modifier when the player obtains the activator. The processor randomly re-designates independent of a player's wager amount one of the award modifiers using a weighted probability distribution after the player obtains the

activator. As discussed above, the multipliers in Wilson are related to the coin mode of a player's game. Indeed, Wilson states "the [multiplier value table] also contains payout information for each mode. For each mode, the first column contain the formula for calculating the payoff." (Wilson, col. 6, lines 24-27). In addition, Wilson's "X factor" is only available in the MaxBet mode. According to Wilson, in MaxBet mode, a player can obtain Power Points which increase the multiplier value. (Wilson, col. 5, lines 43-48). The invention of Claim 22 does not designate award modifiers and provide payouts based on a player's wager amount. In addition, the invention does not have a specific mode in which a player may increase its multiplier value and thereby, increase its payout. It is therefore respectfully submitted that Claim 22 is patentably distinguished over Wilson and is in condition for allowance and new Claims 28 to 30 which directly or indirectly depend from amended Claim 22 are patentably distinguished over Wilson and are in condition for allowance.

Amended Claim 23 is directed to a method for operating a gaming device which includes designating a modifier from a plurality of modifiers, enabling a player to play a base game of the gaming device, increasing the designated modifier upon a predefined base game outcome, determining if the player obtains an activator in the base game, modifying a number of base game credits based on the designated modifier if the player obtains the activator, and randomly re-designating one of the modifiers after the player obtains an activator. In the method of Claim 23, an award modifier is randomly re-designated independent of a player's wager amount. As discussed above, a player's payout in Wilson is related to the player's wager amount. It is therefore respectfully submitted that amended Claim 23 is patentably distinguished over Wilson and is in condition for allowance and Claim 24-27 which directly or indirectly depend from amended Claim 23 are patentably distinguished over Wilson and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants

respectfully requests that the Examiner contact the Applicants' attorney, Adam Masia, at (312) 807-4284 to discuss this Response.

Respectfully submitted,

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BY



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